

### **REMARKS**

Claims 1-10, 12-19, 22-25, 29, 30, and 32-39 are pending in this application.

#### **Discussions with Examiner:**

The Examiner is thanked for his communications with Mr. Peter B. Martine, which took place on December 9, 2005 and December 12, 2005. The communication discussed potential claim amendments that would clarify aspects of the claimed invention. Per the Examiner's indication that certain claim amendments would place the case in condition for allowance, the undersigned is submitting this paper which includes the agreed-to amendments.

Specifically, amendments were made to claims 1, 9, 13, 14, 16, 17, 22, 24, 25, 29, and 33. Claims 20, 21, 26-28, 40, and 41 have been cancelled. These changes do not introduce any new matter.

#### **Reconsideration in view of Amendments:**

Applicants respectfully request reconsideration of the rejection of claims 1-10, 12-26, 29, 30, and 32-39 under 35 U.S.C. § 103(a) as being unpatentable over *Collart* (U.S. Patent No. US 6,453,420 B1) in view of *Hoffberg et al.* (U.S. Patent No. US 6,400,996 B1). As will be explained below, the combination of *Collart* in view of *Hoffberg et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1, 9, 13, 22, 29, and 33, as amended herein.

Each of independent claims 1, 9, 13, 22, 29, and 33 now specify that the user information is compared with trigger data for each auxiliary media content item to determine which auxiliary media content items are to be loaded and queued for playback. Neither the

*Collart* reference nor the *Hoffberg et al.* reference discloses or suggests the use of user information and trigger data to select auxiliary media content items for loading and playback as specified in the claims. Thus, for at least this reason, the combination of *Collart* in view of *Hoffberg et al.* does not raise a *prima facie* case of obviousness against the subject matter defined in claims 1, 9, 13, 22, 29, and 33, as amended herein.

Accordingly, independent claims 1, 9, 13, 22, 29, and 33 are patentable under 35 U.S.C. § 103(a) over the combination of *Collart* in view of *Hoffberg et al.* Claims 2-8, each of which ultimately depends from claim 1, claims 10 and 12, each of which depends from claim 9, claims 14-19, each of which ultimately depends from claim 13, claims 23-25, each of which depends from claim 22, claims 30 and 32, each of which depends from claim 29, and claims 34-39, each of which ultimately depends from claim 33, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Collart* in view of *Hoffberg et al.* for at least the same reasons set forth regarding the applicable independent claim.

**Claims Canceled:**

In an effort to expeditiously move this case to allowance, Applicants have canceled, among other claims, claims 27, 28, 40, and 41. Accordingly, the rejection of claims 27, 28, 40, and 41 under 35 U.S.C. § 103(a) as being unpatentable over *Hoffberg et al.* is moot. Although these claims have been canceled herein, the Applicants reserve the right to reintroduced claims of similar scope in a later timely filed continuation, if so desired.


**IDS in Related Application:**

An information disclosure statement (IDS) is being filed along with this paper, so that a co-pending application can be made of record in this case. Additionally, the references that were cited in this co-pending application are identified in the IDS.

**Conclusion:**

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-10, 12-19, 22-25, 29, 30, and 32-39, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6903**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. SONYP010).

Respectfully submitted,  
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